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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/857,861      | 06/11/2001  | Michiyasu Tano       | F 6975              | 1173             |

7590 06/30/2005  
 Jordan & Hamburg  
 122 East 42nd Street  
 New York, NY 10168

EXAMINER

BEHNCKE, CHRISTINE M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3661

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/857,861

Applicant(s)

TANO ET AL.

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1-12 and 17-19 is/are allowed.  
 6) ☒ Claim(s) 13, 15, 16, 20 and 21 is/are rejected.  
 7) ☒ Claim(s) 14 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 6/11/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 11/18/04.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to the Request for Continued Examination under 37 CFR 1.114 filed 18 November 2004, in which claims 1-21 were presented.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "112" (see Figure 1) and "113" (see page 13, line 4 "receiver 113") have both been used to designate GPS Receiver of figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13, 15, 16, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bouchard et al., US Patent No. 5,465,079.

4. **(Claim 13)** Bouchard et al. discloses a behavior analyzer for a mobile object comprising: condition setting means for setting a complex collecting condition which is a collecting condition for collecting information relating to a specific behavior of the mobile object (Column 27, line 39-Column 28, line 6) and which is based on mobile object operation factors different from each other (Column 27, lines 46-49) on a predetermined storage medium (RAM card 20); and analyzing means for reading recorded information from said storage medium on which information relating to behavior of the mobile object compatible with said set collecting condition is recorded to analyze the behavioral content of the corresponding mobile object from said read information (Column 30, lines 7-58 and Column 31, lines 24-46).

5. **(Claim 15)** Bouchard et al. discloses a behavior analyzer for a mobile object comprising: collecting condition setting means for setting a complex collecting condition which is a collecting condition for collecting information relating to a specific behavior of the mobile object (Column 27, line 39-Column 28, line 6) and which is based on mobile object operation factors different from each other on a predetermined storage medium (RAM card 20); and analyzing means for reading said information from a predetermined storage medium on which information relating to the specific behavior of said mobile

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object is recorded to compare said read information with a condition pattern for specifying a predetermined behavioral pattern (Column 9, lines 59-67) and to analyze the behavioral content of the corresponding mobile object (Column 31, lines 26-46).

6. **(Claim 16)** Bouchard et al. discloses a computer-readable storage medium having digital information recorded thereon (Event Recorder apparatus 5), said digital information is causing a computer to execute procedures for: setting a complex collecting condition, which is a collecting condition for collecting information relating to a specific behavior of the mobile object (Column 27, line 39-Column 28, line 6) and which is based on mobile object operation factors different from each other, on a predetermined storage medium (Column 28, lines 44-52, ROM card 20); reading recorded information from said storage medium on which information relating to behavior compatible with said set collecting condition is recorded (Column 31, lines 26-46, Column 32, lines 9-12 and figure 13); and analyzing the behavioral content of the corresponding mobile object from said read information (Column 31, lines 26-46).

7. **(Claim 20)** Bouchard et al. discloses an operation tendency analyzing method for a mobile object, comprising the steps of: determining the presence or absence of an occurrence of specific behavior in behavior of the corresponding mobile object actually detected in accordance with behavioral conditions showing the specific behavior of the mobile object (Column 27, line 39-Column 28, line 6); recording information relating to the specific behavior of the corresponding mobile object on a predetermined storage medium in accordance with occurrence of said specific behavior (Column 31, lines 26-46, Column 32, lines 9-12 and figure 13); and analyzing an operation tendency of the

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corresponding mobile object based on information recorded on said storage medium, wherein said analyzing step includes the step of analyzing said operation tendency based on condition information set in accordance with at least one of identification information of an operator of said mobile object, behavioral environment of said mobile object, and behavioral history of said operator (figure 18, Column 30, lines 7-58, and Column 28, lines 44-52).

8. (Claim 21) Bouchard et al. discloses an operation tendency analyzing method for a mobile object, comprising the steps of: determining the presence or absence of an occurrence of specific behavior in behavior of the corresponding mobile object actually detected in accordance with behavioral conditions showing the specific behavior of the mobile object (Column 27, line 39-Column 28, line 6); recording information relating to the specific behavior of the corresponding mobile object on a predetermined storage medium in accordance with occurrence of said specific behavior (Column 31, lines 26-46, Column 32, lines 9-12 and figure 13); and analyzing an operation tendency of the corresponding mobile object based on information recorded on said storage medium (Column 31, lines 26-46), wherein said analyzing step includes the step of analyzing said operation tendency based on complex condition information set in accordance with a plurality of mobile object operation factors different from each other (Column 27, lines 46-49).

***Allowable Subject Matter***

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9. **Claim 14** is objected to as being dependent upon a rejected base claim and are at present considered to overcome the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. **Claims 1-12 and 17-19** are at present considered allowable.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 18 are considered allowable because the prior art of record does not disclose, suggest or teach the combination of a data recorder that records the detected behavior before and after the occurrence of the behavior, condition setting means for setting the collecting condition onto a storage medium such that the data recorder reads the collecting condition from the storage medium and condition setting means being constructed to set the collecting condition in accordance with mobile object operation factors different from each other.

Claims 8, 17 and 19 are considered allowable because the prior art of record does not disclose, suggest or teach the combination of recording the behavior of a mobile object on a storage medium when the behavior of a mobile object satisfies a predetermined collecting condition and to intermittently record the behavior of the mobile object separate from the behavior of the mobile when the behavior of the object satisfies the collecting condition from when the behavior of the object does not satisfy the collecting condition.

Claim 9 is considered allowable because the prior art of record does not disclose, suggest or teach the combination of a sensor section for detecting behavior of a mobile object as a time series and recording means for determining the presence of absence of an occurrence of a specific behavior and for recording information relating to the specific behavior in accordance with the occurrence of the specific behavior on a predetermined storage medium onto which the behavior condition has been set to thereby enable analysis of the operation tendency of the object based on the information recorded.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

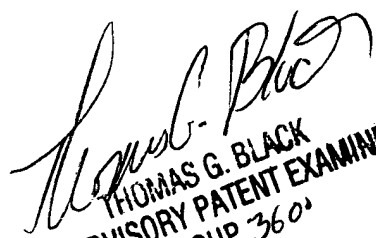
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

06-16-2005

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3601